

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 WILLY CARL LYONS,

11 Petitioner,

2:96-cv-0784-GEB-GGH-P

12 vs.

13 THEO WHITE,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ  
17 of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States  
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On March 14, 2007, the magistrate judge filed findings and recommendations  
20 herein which were served on all parties and which contained notice to all parties that any  
21 objections to the findings and recommendations were to be filed within twenty days. When the  
22 mail to petitioner was returned, the findings and recommendations were re-served upon  
23 petitioner, at his new and correct address, on April 12, 2007. Petitioner has filed objections to  
24 the findings and recommendations.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
26 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

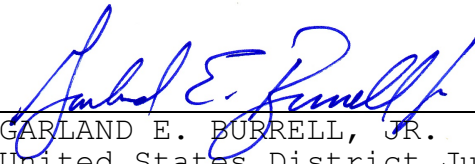
1 file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed March 14, 2007, are adopted in full;  
5 and

6 2. Petitioner's motion for relief from judgment, pursuant to Fed. R. Civ. P.  
7 60(b)(6), filed on August 10, 2006 is dismissed to the extent that it is a successive petition and  
8 denied to the extent that it is a Rule 60(b) motion.

9 Dated: May 1, 2007

10  
11   
12 GARLAND E. BURRELL, JR.  
United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26